

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Toshiharu OHTA, et al.

SERIAL NO: 10/773,344

GAU: 1625

FILED: February 9, 2004

EXAMINER:ROBINSON, B.

FOR: DIAMINE DERIVATIVES

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Daiichi Pharmaceutical Company, Ltd. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of an assignment from the inventors, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 015399, frame no. 0328.

Daiichi Pharmaceutical Company, Ltd. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/481,262 and 11/850,788, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial Nos. 10/481,262 and 11/850,788, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Daiichi Pharmaceutical Company, Ltd. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/481,262 and 11/850,788 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

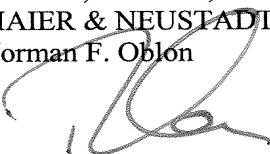
CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned Attorney of Record in the present application, certify that I am an individual empowered to act on behalf of Daiichi Pharmaceutical Company, Ltd., the assignee of the entire right, title and interest of the above-captioned application.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

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